

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**PROFESSIONAL ELECTRICAL
CONTRACTORS**

and

**INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS,
LOCAL UNION NO. 35**

**Cases 34-CA-067376
34-CA-067576
34-CA-071532**

ORDER¹

Professional Electrical Contractor's petition to revoke the subpoena duces is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.² See

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Employer contends, inter alia, that the Board lacks the authority to rule on the petition to revoke because the Presidential appointments of Board Members on January 4, 2012, were not made during a legitimate Senate recess. For the reasons stated in *Center for Social Change, Inc.*, 358 NLRB No. 24 (2012), we find no merit in this argument.

The Employer also argues that paragraph 1 of the subpoena's Instructions is too broad in defining a document as an item "to which [the Employer] had any access whether or not in [its] present possession, custody or control." In the absence of any explanation or limitation from the Region, we limit this definition to those documents in the Employer's present possession, custody or control, without prejudice to the Region issuing another subpoena seeking documents that are not currently in the Employer's present possession, custody or control, if the Region can explain why such documents are necessary and relevant to its investigation.

In addition, the Employer argues that subpoena paragraphs 2 and 3 are overly broad and unduly burdensome because the Employer would have to include the names, contact information, potential wage garnishment records, and family members' contact information, which do not have any bearing on the investigation. In this regard, the Employer may seek, and the Region in its discretion may grant, an agreement that such personal employee information that is unrelated to the investigation may be redacted.

generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., April 18, 2012.

BRIAN E. HAYES,	MEMBER
RICHARD F. GRIFFIN, JR.,	MEMBER
TERENCE F. FLYNN,	MEMBER